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The Editor Looks at the Courts

W. A. Bailey

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By W. A. BAILEY

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My interest in "viewing the courts" dates back to my first year following graduation from Baker University in 1905. In the fall of that year I entered the teaching profession as principal of the Eureka, Kansas, High School. I was fortunate enough to secure a room at the home of Pinaldo P. Kelley, a leading attorney of that city. He had been successful in the practice of law, had a good home, comfortably situated, had traveled some, and had continued the studious habits he had formed in Ames University, Iowa, where he had received his law degree. Mr. Kelley and I spent many hours during the two years I lived in his home discussing law, lawyers, and the courts. No layman ever was a more severe critic of jurisprudence than he. He chilled whatever law germ I may have had sprouting in my system during these conversations and froze it solid by the declaration that if he had a son who wanted to study law he would do everything possible to deter him, except hang him.

Mr. Kelley made a vast distinction between the theory and practice of law. He claimed that he was so infatuated with the study of law while in law school that he could hardly wait to begin to practice but once in the practice he was utterly dismayed to find how far the principles of practice departed from the theories as taught.

Ever since those days I wanted to check up on some of the things he told me. I have been curious to know whether there were other lawyers who felt as he did and if so whether they had published their views, also to learn if anything had been done to change these conditions we discussed some more than forty years ago.

I am sure that if I had not had this experience in the formative years of my life and the unsatisfied yen to explore it further, my good friend Judge Arthur J. Mellott could not have persuaded me to attempt the preparation of this paper.

In querying Judge Mellott as to the purpose of this assignment he replied that there is a movement on the part of the bar to get laymen's viewpoints on the basis of a kind of "How are we doing?"—"What are folks saying?" report with the hope that comments may be forthcoming which may aid the law profession to serve the public better. This is a highly commendable objective and I hope that such material as I herewith present may be judged relevant and worthy of the record.

In quest for source material I called on my librarian friends in Kansas City, Kansas, and Kansas City, Missouri, for bibliographies on the subject. Imagine my surprise when each reported that there was limited material

on the subject—especially from laymen. Mr. Harold L. Hamill, librarian, Kansas City, Missouri, Public Library commented—"We have found it very difficult to find appropriate articles written by those who have little or no direct training or education in the law. We are furnishing you a few articles and books which though written by lawyers, discuss the layman's point of view."

One in my vocation cannot sit and watch the news of the world flow over his desk day after day without knowing that the administration of the law is far from perfect. It took but casual reading of the bibliography furnished me to realize that lawyers themselves best understand the shortcomings of their profession and that they are earnestly striving to correct them. No doubt it is as discouraging to them to see the slow progress as it is to laymen.

At the outset, I want to make it clear that I do not present this paper as a critique of the law. Such presentation of incidents, seen and experienced, or which have come to my attention, are made in response to an assignment and with the hope that they may prove helpful to the cause in which we are commonly concerned—the securing of a wider and more equitable dispensation of justice.

The major premise of this paper is that laymen everywhere have a deep seated feeling that there is too much miscarriage of justice throughout the length and breadth of the land and that this feeling has been building up over a period of years. It is difficult for a layman who has not tried to analyze this feeling to explain why he feels so, like Topsy, it has just grown up. It is the cumulative resultant formed from the information he has acquired from reading of trials, court rulings, questionable practices indulged in by certain types of lawyers and from the dramatization of crimes he has seen and heard.

As a most recent national example contributing to this cumulative effect, we cite the recent case of the freeing of the 26 men accused of mob violence in Greenville, South Carolina. This incident beclouds justice as morning fogs obscure sun rises.

As an example close home to our people consider this one, which, I regret to say, happened in our good state of Kansas. In a certain city in Kansas a former city commissioner was indicted by a federal grand jury on the charge of a federal tax evasion. It was alleged in two counts that he had received some $27,000 from certain paving and grading contractors who were doing business with the city while he was a commissioner. Subsequently, he pleaded guilty to one of the counts and was fined $2500 and costs and required to pay all the taxes which the Internal Revenue Department claimed he owed. This claim included other years than the two for which he was indicted.

The newspaper of that city through news stories and a series of page 1 editorials called upon the public officials of that city, county, and state

to explore the facts of the case and determine whether there had been bribery involved—that is bribery of a public official by contractors. Also it called on them to ascertain whether this commissioner had acted as a lone wolf, as there were three commissioners in all. This newspaper campaign extended over a period of months. Civic clubs, the ministerial alliance and all the classification clubs endorsed the campaign. Suffice it to say that notwithstanding this appeal for action, not a single public official brought any action in behalf of the citizens of that city. The statute of limitations has run on the case, it is said. Yet today, as during the intensive campaign to get action, people still are asking why some public official or some lawyer or even the bar association did not come to the protection of the public's interest, to the end that justice might be served.

And, I submit to you, gentlemen, that it is difficult to understand why this case which offers so many facts in evidence—even to a layman—could not have been cracked. Certainly, it stands sculptured in bas-relief in that community and state as a gross miscarriage of justice. And, in my opinion, it lingers as a sad commentary on that cannon of the law which declares, "The future of the Republic to a great extent, depends upon our maintenance of justice, pure and unsullied."

You may be interested in a brief statement of some of the court practices and incidents we have experienced which have added their bit to this feeling of doubt with respect to the adequacy of the law. We have chosen to comment on the following phases of the practice of law only because we consider them the most common examples of things which laymen find wrong with the law.

1. Various methods utilized by lawyers which lead to dilatory practices and result in long and costly legislation; the postponement of the determination of justice and sometimes even to the complete thwarting of justice, commonly referred to as continuances.

2. The caliber of many of our juries discourage laymen to the point that they question whether trial by jury is warranted as widely as it is practiced.

3. The lack of dignity in many of our courts and especially the lower courts such as the police court where most litigants appear—the court which had been characterized as the "supreme court of the common man"; this lack of dignity leads to lack of respect for the law.

4. The case of the unscrupulous lawyer, the snitch lawyer, the ambulance chaser—that individual so available to booking desks—the one to whose ears weird, wailing sirens are musical; that one who closely scans newspapers for any item of news which might possibly lead to business regardless of legal ethics—the greatest menace of the law profession.

Let us take a look at some of the dilatory tactics utilized by some attorneys. When I say dilatory, I do not have in mind the same kind of dilatory the negro lawyer had in mind in the following incident which a

lawyer friend of mine told me. He said he was trying a case in which the attorney for the defense was a negro. The case had dragged along for some time and one day when the case was called up again the negro attorney addressed the judge, "Yur honah! When we's started dis ere case the defendant attoneys filed a moshun to make mo defnate and mo suten—den days filed a moshun to strike out—and den deys makes a moshun to dismis—judge, day jes been dilitorin' around ever since des ere case started."

When certain members of the bar are announced in connection with a case we know their first move will be to ask for a continuance. They usually begin their cases by pleading illness or absence of a litigant or a witness. Their main object is delay—possibly only because it was just "inconvenient" for them or their clients at that particular time. And, parenthetically, I may say, the thing which disturbs us most, is that the judges know the tactics of these lawyers. Why they tolerate them further dismays us.

One of the best continuance stories of our personal experience is that of a local court case which I give you as related by our court reporter.

Unusual but true is the history of a Wyandotte County District Court case in which a rather attractive woman was charged with violation of the prohibitory law. Her attorney obtained several continuances for this and that reason and when it seemed he had about run out of reasons he came up with the statement that his client was going to become a mother. This reason called for additional continuances from time to time. The attorney finally stated that his client was about to enter the hospital. The next time the case was called he said his client was unable to appear owing to the fact she had become a mother, not of one baby but of twins, but notwithstanding he would have her in court soon. And sure enough, next time the case was called, in came the lawyer accompanied by the woman with her babies in her arms, well dressed and adorable. The babies were handed to the young woman in the district clerk's office, and the mother defendant followed by the court attaché with babies in arms marched in triumphal procession thru several law enforcement offices adjoining the "Hall of Courts" at the courthouse.

As you have already anticipated the defense attorney asked for release of his client on the claim that she had sold the liquor solely to help obtain money to pay expenses for the baby she was expecting. And, he added, "the baby turned out to be twins, Judge!"

Well, what would you have done? The court concurred with the defense attorney and the county attorney that there was nothing to do but release the mother to go home and care for her twins with the admonition that she not sell liquor again.

A minor offense you may say—yes—but it illustrates the miscarriage of justice brought about thru the use of the "continuance method."

When this case was recalled recently to the judge in whose court it was tried, he stated that he was keenly aware of the misuse of continuances and he insisted that he is now doing what he can to curtail it.

The reporter who experienced the above incident made this further comment: "I have seen cases remain on the docket for years owing to failure of one side or the other to be ready for trial and at times it has seemed as though one litigant is attempting to "wear out" the other with waiting. In criminal cases, I have seen constant delays to the extent that a change in administration in the prosecutor's office has occurred, and that the law-enforcement officers familiar with the case no longer were available when the case came up for trial."

In his book *Look at the Law* Percival E. Jackson devotes Chapter VII to a discussion of this practice of continuances under the heading, "The Layman says: THE LAW IS TOO SLOW." He points out that this is a practice which dates back as far as the Greecian practice of law. He cites an Athenian case of a certain guardianship suit which took 8 years to try. In another case cited, "Demosthenes complained of his inability to get to trial in an ejectment suit which had been pending for 16 years." Then follow numerous interesting recitals of famous cases mentioned in English literature and history. Reference is made to the case of *Jarndyce and Jarndyce,* which Dickens immortalized, the case which "so thoroughly established the familiar apothegm 'Justice delayed is Justice denied'." Also a long list of cases within the United States are mentioned. All of these go to prove that we are here dealing with a deep-rooted problem which for centuries has been tending to create a feeling on the part of the public that "law and lag are synonymous." Judge Jerome Beatty in an article in the Saturday Evining Post, July 17, 1943, refers to these delaying tactics as "a tremendous wastefulness both in time and money in our present legal procedure. They are retained largely because they cannot be reformed by laymen, and members of the legal profession do not want them reformed. The bar has ceased to have any ethics. Lawyers have simply become business men and seek to accomplish their ends in any way that will bring results."

The elements which make for these delays are so involved that a layman can scarcely comprehend them, let alone make any suggestions to relieve them. Judges, lawyers, statutes, constitutions, legislators, vast numbers of litigants, the selection of juries, appeals—all these are but a few of the many elements which contribute to produce lag in litigation.

However, the situation is not as hopeless as it may seem. We know that the American Bar Association for years has been striving to correct this acknowledged weakness in the law. Militant lawyers have dared to speak against it. Legislatures and Congress are aiding thru the medium of new and amended laws which are being piloted thru the sessions by able lawyers who want to see the high ethical standards of the bar made the motivating force in the dispensing of justice.

We should not dismiss discussion of this subject of delays without reference to the fact, well known to lawyers, that lack of judges often

accounts for delays of justice. In a recent issue of the American Bar Association Journal, Honorable Orie L. Phillips, Senior Circuit Judge of this Tenth Circuit is quoted, that "Not only must we have competent and impartial administration of justice in the courts, but the disposition of cases must be accelerated . . . courts must be kept abreast of their dockets." To this end the judge, since he has been Senior Circuit Judge, has asked for and obtained two additional district judges in his circuit. The result is that the time between the filing of a case and its disposition in the district courts in this circuit now averages 5.9 months.

With respect to trial by juries, we find our juries in too many cases, are made up mostly of those jurors who have not laid down on the judge to excuse them. The residue is too often "run of mine." We plead guilty to the charge of having ourself asked to be relieved of jury service and of having asked to have certain of our employees excused. Our defense is that this was during war days when we were trying to operate with greatly curtailed staffs.

There should be a tightening up on the part of judges to excuse from jury service as well as an easing up on the part of individuals requesting to be excused. I wonder, however, if we should go as far as the Honorable Orel Bushby, Justice of the Supreme Court of Oklahoma, who said if he had the power the only excuse he would accept for "non jury service would be that for which a soldier in uniform is excused from fighting for his country—that is, illness or physical incapacity."

In these days of keen competition, high costs, shortened hours, and a super amount of detail the small businessman cannot be away from his business for any great length of time without working a distinct hardship on him and his business. Federal Judge Arthur Mellott of this district has made a good suggestion to the committee handling plans for our new post office and federal building with respect to laying out the quarters for the Federal District Court. He advocates a room furnished with telephones and desks and stenographic equipment so that a businessman called to jury service may keep in touch with his office and if necessary have his secretary come to the room for dictation. I might add that this judge follows the practice of allowing jurors as much freedom as possible and seeks to conserve their time by excusing them from hanging around, whenever possible.

Jury fees are insufficient. They should be increased sufficiently to meet living expenses at least. Frequently those called for jury service cannot financially afford to serve and when they are forced to serve they do so at a financial sacrifice. Unions are trying to make jury service a part of their contracts to the extent that when they are called for jury service their pay shall be continued by their employers on the regular scale basis. There is certainly some merit to this request. In the interests of good jury service the government may well consider assuming this cost.

There should be more of an inclination on the part of attorneys to take

a chance on the fair-mindedness of reputable businessmen. A prominent banker in our community for years has answered regularly his summons for jury service. He is almost always allowed to sit out his summons. The attorneys know him and trust his knowledge and ability in most anything but jury service. It is discouraging to those interested in the dispensing of justice to see the substitutes.

"Professional jurymen" would not be favored to the total exclusion of even our "run of mine" jurymen, in our community. As one of the judges observed on a recent occasion, "our system is not perfect but it does provide a jury which is a cross section of the life of our community and they are less likely to become too involved in technicalities of the law; they have a fresher and more unbiased attitude and despite occasional errors, will come close to arriving at just decisions most of the time."

In my opinion we must never completely abandon the jury system. On the other hand there is no doubt in my mind but what judges should be handling many of the cases which are now being committed to juries. In the words of the Irishman, "there is a beautiful extreme right in the middle."

Mr. Harold Hulme, Associate Professor of History, New York University, writing for The American Bar Association Journal, December, 1946, under the title *Our American Heritage* most ably points out the long route and tortuous methods our forefathers traveled and endured that we might have the jury system and the attendant freedoms of the Writ of *Habeas Corpus,* Representative Government, and Freedom of Speech. We cannot afford without careful consideration to alter this blood-bought right.

In concluding our comments on juries I think it would contribute much to the discussion to include the summary of the proposed jury system changes listed by Albert S. Osborn in his book *The Mind of The Juror.*

1. Reduction of the number and kind of cases to be submitted to juries.
2. Reducing the number on a jury from twelve to perhaps not more than seven members.
3. Changing the requirements for unanimity in civil cases.
4. Careful selection of jury panel by a competent jury committee of three to five members.
5. Improvement of jury rooms and all the accommodations for jurors.
6. The making of jury duty more remunerative and desirable.
7. Making the jury consist of an odd number of jurors.
8. Investigation before trial of every candidate selected for jury duty as to character, intelligence, education, experience, age, personal qualities.
9. Giving the presiding judge power to dismiss preemptorily any proposed juror.
10. Greatly reducing the number of exemptions from jury duty.
11. Reducing, at least by half, the number of peremptory challenges by advocates.
12. Detailed instructions and advice to the whole jury panel by presiding judges before individual juries are selected.

13. Examinations of or intelligence tests for jurors.

14. Interrogating of prospective jurors at a trial by the presiding judge instead of by counsel.

Lack of dignity in the courts tends toward lack of respect for the courts and the law.

During the recent session of the Kansas Bar Association, held last month, the judges' conference discussed this topic. The discussion developed the fact that many judges in our state had no formal opening of their courts and it was concluded that our courts in some instances have fallen into a rather slip-shod method of procedure, resulting in an increasing lack of respect for both the court and the law itself.

By experience we have learned that one way to command respect is to make physical improvement of court quarters. This was noticed when our district judges moved into their quarters in our new court house. The type of furnishings; harmony of color schemes; accoustical treatment; separation of quarters for jury, lawyers, press and the public; this environment tends to impress those who enter that truly here is a hall of justice and the corresponding result is the prevalence of a feeling of solemnity and respect.

A dignfied court is much more difficult to maintain in police, city, and justice of the peace courts. They not only lack adequate physical quarters but they have a further handicap in that they have a class of law violators who tend greatly to detract from the dignity of the court. There is great confusion in these courts. Offenders of all kinds and classes fill the available seats and line the corridors. The noise of subdued conversations can be heard as one watches a parade of hoboes, drunks, quarrelsome husbands and wives, traffic violators and gamblers line up to await their turns. In the midst of such turmoil a judge has a most difficult task trying to maintain order, let alone preserving dignity. Little wonder then, that buffonery frequently is indulged and that some judges seeking solace have turned to broadcasting proceedings. Such conditions as these are hot beds for the miscarriage of justice.

Too frequently in justice of the peace courts dignity descends to its lowest point, in fact to the vanishing point. This is due usually to the lack of legally qualified judges and most frequently to places where courts are held. Kitchens, barns, general stores, filling stations, corn fields, ice cream parlors, restaurants or any other place which may serve as a refuge from weather or pests are used as "halls of justice." Certainly such conditions breed contempt for the law. Justice, fair and impartial, doesn't germinate easily in such environments.

One of the best investments society could make for the bettering of these lower courts would be to provide adequate physical quarters in which to administer justice. They would tend toward the generation of a feeling that he would practice here must be worthy, and he who comes seeking

justice will find it. Truth, that which courts are created to find, is associated with cleanliness, purity, harmony and beauty.

It is not necessary for me to do other than briefly refer to the shyster and ambulance chasers. They fill the place in your profession the yellow journalists occupy in ours. They exist in spite of all you thus far have been able to do. They are individuals to whom remuneration supersedes ethical commitments. However, their achievements in a material way give them certain powers in the community in which they operate. They are hold-up men who operate within the law. They maintain a certain degree of social rank and respectability. Their practices do more to discredit the profession of law than any other single factor. "Shyster lawyers" and "ambulance chasers" have become by-words to laymen. In the interests of good administration of justice their right to operate should be curtailed. Maybe fuller publicity of their doings should be given to the end that an aroused public would aid your profession in curbing them.

This exposition would not be complete without reference to the relation judges bear to our theme. No one will gainsay that the judge is the central figure in the setup for the administration of justice. By and large, on a percentage basis, judges of this country have measured up well to the high standard of performance required of them. Here and there we find a case where one has faltered or fallen and as the church in general is criticized for the back-slider, so the judicial family is censored for the wayward judge.

There are certain qualifications which a judge should possess, foremost of which is a knowledge of the law. To this fundamental requisite there must be added character, poise, a good disposition, and studious habits.

The selection of this type of an individual requires a sifting process. In theory at least, this is easy when a lawyer becomes a judge by appointment to office, especially when the appointment must be confirmed. But the great majority of judges are selected by political parties. In such cases the selection takes into consideration other qualities, chief of which is the ability to win votes. Here is the rub. Too frequently essential qualities receive secondary consideration.

A judge serving as an elected official works under limitations with which an appointed official does not have to contend. Parties who have been responsible in the selection of a judge too frequently expect some "small consideration." While they may expect the judge to be honest in the performance of his judicial functions, they request him to do "little things" such as excuse their friends from jury service; kill summons in traffic violation; release prisoners on bail; fix bail as occasions demand, either high or low; grant stays and continuances; keep in touch with political headquarters; contribute to the parties' fund; and even make suggestions as to the personnel he should employ in his office.

Judges under such pressure cannot possibly administer justice fairly and impartially.

In many states legislation has gone far in correcting this situation. The best of such measures provides that a judge must have the indorsement of the legal profession or a committee of lawyers and laymen before he can become a candidate for office and once elected he may be subject to re-election only on his record. The State of Missouri has an excellent plan placed in vogue comparatively recently. It works about as follows: A judge runs on his record. A ballot contains only this statement. "Shall..... be retained as judge of ..... District?" If there is a majority vote in the affirmative, the judge retains his position for an additional comparative long term (10 or 12 years). If a negative vote prevails or if vacancy occurs through death, resignation, or otherwise, the governor appoints. Appointment must be made from a list of three chosen by a committee of three lawyers, three laymen, and a presiding officer, either of a circuit court of appeals of the supreme court or of the local circuit judges. It is my understanding that the plan is working splendidly with the net result that good judges are retained approximately for life with little chance of securing one who does not measure up.

There remains to be corrected the idea that a public official should work for less than he can earn as a private practitioner. Judges' salaries, especially in the lower courts, are too low.

There is no perfect plan for selecting judges. Against the plan of appointment for life—or term of good behavior as it is frequently designated—we hear the criticisms that judges tend to become autocratic—that they get out of touch with the common people and that if and when found incompetent it is difficult to remove them. Looking to a correction of these defects of the system, there has been considerable discussion in current legal literature for some method of having the bar pass in advance upon qualifications of appointees being considered for appointment. This suggestion is resented by appointing powers, senators and members of Congress, who desire to retain the present method.

The hopeful thing about this baffling situation is that the difficulties have been defined and that there are steps being taken to remedy them. You need the aid of laymen to inform the public of these conditions and to help secure the remedies.

A judge—the keystone in the framework of justice—must be of the kind and quality of citizen whom all respect and he must be given that freedom of operation which will be conducive to the full and free administration of justice. To this end lawyers and laymen must continue to plan and work.

There are other factors such as paroles and pardons; juvenile delinquency; making more uniform the laws of the states; simplification of legal procedure—all of which affect the miscarriage of justice and could well be discussed under our thesis, time permitting.

I prefer, however, to conclude this discussion by showing the importance

of giving consideration to dissonant voices. To this end let us review certain trends within this country. We shall classify them as progressive movements most of which began germinating with the advent of the Twentieth Century. In the field of education it was the defender of the classics arrayed against the psychologists and scientists—the latter contending that schools exist for the development of the masses—and to that end advocated changes in teaching methods and in curriculum content. In religion the contest was between the fundamentalists and the moderns. The former would stick strictly to the word of the Bible and the latter would broaden the interpretation of the word and socialize the work of the church. In medicine one group would stick to old methods and techniques and the other would include those sciences which contribute to man's state of mind and some would go so far as to socialize medicine. In politics we had the standpatters, the progressives and the Bull Moosers. In the ranks of the lawyers we had those who looked on the law as principles to aid in the administration of justice which had been established once and for all, opposed by those who believed that laws are made "of the people, by the people, and for the people" and hence, must be applied in conformity with social, economic and political changes.

Approximately fifteen years ago all these progressive movements were skillfully maneuvered into a sort of coalition movement by keen, skillful, political leaders under the catch phrase of a "new deal." The move was perfectly timed. It came upon the country when the "old guards" were really and rightfully on the ropes. It swept the masses as a prairie fire. Criticisms of all former practices became the order of the day. It stormed the bulwarks of the law and became a field day for critics of the bar—lawyers and judges were no exception.

It is not within the scope of this paper to touch on the reforms—social, political, and economic—which came with this era. Suffice it to say that reforms long overdue were brought about and as is too frequently the case, the pendulum swung too far in the opposite direction. Our concern is to trace the effects of this reformation period on the practice of law.

It was in the early part of this period which has come to be known as the period of the "new deal" that former President Franklin D. Roosevelt dared characterize the Supreme Court as "nine old men." While we never have agreed with the method he advocated for changing the personnel of the supreme Court and while we feel that he dimmed for years to come the faith of the common man in the majesty of this court, nevertheless, we must concede that he brought clearly to public light, in an extraordinarily dramatic manner, the idea that laws must be studied with respect to their application to the social, political, and economic conditions of the period to which they apply.

This campaign of the President served to unify and embolden all critics and they became vocal. Thus, it was easy for the President as the champion

of this new movement to crowd legislation through Congress on the premise that personal rights must supersede property rights. This legislation afforded rapid growth to administration of law by bureas and agencies; and encouraged businessmen and various types of organizations to move in the direction of settling their controversies without the province of the law.

Every lawyer in the land has seen administrative bureaucracy at work in his community. He has witnessed law by consent to a degree that has astonished him. He has learned of certain industrial groups who weary of the technicalities and delays of the law have adopted policies of non-litigation. He is disturbed by these movements because he knows they tend in the wrong direction. For he, probably better than anyone else, knows that whenever any group takes unto itself the regulation of its acts for its own self interest that that movement is away from democracy and toward totalitarianism.

Yet, this is what is actually going on in the United States today—quite a bit slower than during the war years but nevertheless it is still a moving force. Rule by groups and blocks operating under the protection of hastily drafted laws must be checked.

Lawyers are to blame to a certain extent for this state of affairs. Too many lawyers throughout the years have lost sight of the fact that under our system of government "we license lawyers, not for the purpose of setting up a privileged class but for the protection of the general public." The lawyer himself is the controlling factor in this labyrinth of law. He alone can change trends against him. The primary requisite is that he must have a full comprehension of the fact that law is made for the betterment of society as a whole—not a particular group of individuals.

So long as it appears to laymen that lawyers place the interests of their clients above those of the public, just so long will they cease to have faith in a government purported to be based on law and order. In such a frame of mind the layman becomes an easy prey for ism doctors.

This scepticism on the part of the layman with respect to the administration of the law must be counteracted. It is necessary to the preservation of our democracy. To quote the late President Roosevelt, "The administration of justice is a bulwark of democracy and its efficiency must be constantly enhanced. More than ever before the people are conscious of these needs."

As I have pondered over the views I have herewith presented today, I have become convinced of the urgent need of the cooperation between your organization and laymen, which you are sponsoring. It is a most timely move. The world is in a state of flux. The masses are looking for leadership. Faith in a government built on law and order in which all classes have equal rights and opportunity to protest those rights, needs reaffirmation and substantiation. The results of the cooperation you are seeking, to a large degree, will go far in shaping the future course of our country. It is a definite step toward retaining the freedoms we so recently rebought so dearly.

Personals

BENJAMIN E. SWEET and JOHN S. POYEN, new secretary of the Denver Bar Association, have removed their law offices to 635 Majestic Building, Denver, KEystone 8877.

WM. RANN NEWCOMB has removed his law office to 727 Symes Building, Denver 2, KEystone 7941.

J. COLIN JAMES, formerly of the firm of Davis, Klahr and James, has opened his offices for the general practice of the law at 1217 First National Bank Building, Denver 2, TAbor 4141.

New Abstract Company Opens

The Denver Abstract Company announces the beginning of operations after two and one-half years of preparatory work. An interesting feature of the work of this company is that it will supply abstracts, including photographic reproductions of recorded instruments, plats and surveys.

BOOKS

PROBLEMS IN PROBATE LAW, *Michigan Legal Studies,* Ann Arbor, Michigan, 1946, $10, 831 pp.

This volume is a new volume in the Michigan Legal Studies and presents to the legal world an important volume in probate law. The book includes the model probate code drafted by the Model Probate Code Committee of the Section of Real Property Probate and Trust Law of the American Bar Association, including such eminent probate authorities as Thomas E. Atkinson, Paul E. Basye, R. G. Patton and Lewis M. Simes. The model probate code itself was several years in preparation. It is not intended as a uniform law but as a model law, a reservoir from which the draftsman may draw ideas and phraseology in developing any state probate law. It was drafted after the most careful consideration of the probate laws of our states and the best and most practicable and most workable provisions from each state were in corporated. There was also included in this volume the appendices to the model probate code and monographs on problems in probate law. These monographs were written by Messrs. Simes and Basye and cover such important subjects as *The Organization of the Probate Court in America, Development of an American Counterpart of an English Probate Jurisdiction, Classification of American Probate Courts, The Administration of a Decedent's Estate as a Proceeding in Rem, The Venue of Probate and Admin-*

istrative Proceedings. These monographs were developed as by-products of the research done on the model code.

In the consideration of any future amendments to any state probate law, any draftsman would do well to first consult this volume.

MECHANICS LIEN IN COLORADO, *by George W. Lane, member of the Durango, Colorado Bar,* Out West Printing & Stationery Company, Colorado Springs, $10, 333 pp.

The text for this volume was written by Mr. Lane during the depression which followed the first World War. Since that date the text has been brought up to date. In preparing the text more than 200 cases were carefully read and digested in the light of statutory changes and judicial interpretations, and, therefore, is a complete volume presenting all of the law of Colorado on this important subject. Those who have occasion to deal with the subject of mechanics liens will find it indispensible.

Off the Record

RE: Women Law Students

(With Apologies to Christopher Marlowe)
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Come learn with me and be my love,
As law school work we sample of.
We'll sit in Austin, eyes aglow,
And care not how reversions go.

I'll gaze into your lovely face,
And disregard the *Erie* case;
And when you smile at me I'm sure
The *res* will *ipsa loquitur.*

Dear, with your dainty hand in mine,
We will not write a single line.
And thus save hours galore to date,
Since we won't have to annotate.

I may not get my LL.B.,
But still I'll be a sight to see,
When clad in tails, and full of life,
Like I. de S., I'll have a wife.

—ROGER ANDOVER.

Colorado Reports Wanted and Available

Albert Ellis Radinsky, 1527 Champa Street, Denver 2, Colorado, is interested in purchasing the following volumes of the Colorado Reports: 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 108, 109, 110, 111, 112, 113, 114, 115 and 116, and also a set of the Colorado Digest and Shepard's Citators and a Justice Court Manual. Mr. Radinsky has available for sale or trade the following volumes of the Colorado Reports: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 18, 75.